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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,785	01/10/2006	Andrea Seger	SEGE3004//FJD	5731

7590  
Bacon & Thomas  
4th Floor  
625 Slaters Lane  
Alexandria, VA 22314-1176

EXAMINER
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SONG, DAEHO D

ART UNIT	PAPER NUMBER
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2176

MAIL DATE	DELIVERY MODE
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01/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/523,785	<b>Applicant(s)</b> SEGER ET AL.	
	<b>Examiner</b> DAEHO D. SONG	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Applicant's Response***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/01/2008 has been entered.

In Applicant's Response to RCE dated 12/01/2008, Applicant amended Claims 10 and 18, cancelled Claim 11, and argued against all rejections previously set forth in the Office Action dated 08/01/2008.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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1. Claims 10 and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Forney et al. (hereinafter Forney): U.S. Patent Application Pub. No. 2002/0101431.

Forney teaches:

*Claim 10. A method for operating a field device of automation technology, which is connected by way of a data bus with a control system, by means of a graphical user interface (GUI) and a device description file for the field device, comprising the step of: loading the device description file having two components, a data component and a presentation component, together dynamically at run time, by means of an appropriate browser, said data component is written in the form of an XML file and the presentation component in the form of an XSL file ([0045][0046]: the device description file having a data component written in the form of an XML file and a presentation component in the form of an XSL file by means of dynamic transformation of graphical display elements of a web browser); and dynamically producing an HTML page, which represents a graphical user interface for the field device, from the XML file and XSL file, wherein: the HTML page displayed by the browser can be dynamically changed, so that the graphical user interface is matched to the field device ([0029]-[0031]: dynamically producing a HTML page of the client/field device and updating its data by means of receiving a stream of real-time data from the portal server).*

*Claim 12. The method as claimed in claim 10, wherein: the run time environment is a*

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*Microsoft platform* ([0008]: running on the Microsoft Operating System).

*Claim 13. The method as claimed in claim 10, wherein: the data component contains parameter names, event- and alarm-texts, coded additional information, etc* ([0007] [0035][0046][0059]: the data component including parameter names, event object and alarm data, coded additional information).

*Claim 14. The method as claimed in claim 10, wherein: the presentation component contains information for visualizing and explaining the process component of concern* ([0031][0067]: displaying data component of visualizing the graphical process diagram of the field device supporting real-time animation of manufacturing process control view).

*Claim 15. The method as claimed in claim 10, further comprising the step of: providing dynamic, relevant links on the GUI for invoking an online/offline help* ([0009]: providing dynamic relevant links for help through a search engine of portal service).

*Claim 16. The method as claimed in claim 10, wherein: the operation includes start-up, maintenance, simulation, data protection, problem removal and device documentation* ([0008][0038]: the Windows Operating System includes start-up, maintenance, simulation, back-up/data protection, problem resolution and documentation).

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*Claim 17. The method as claimed in claim 10, further comprising the step of: using the Internet Explorer of Microsoft® as the browser ([0008][0038]: using a commercial web browser, such as the Internet Explorer).*

*Claim 18. The method as claimed in claim 10, further comprising using the Netscape Navigator of Netscape as the browser ([0008][0038]: using a commercial web browser, such as the Netscape Navigator).*

### ***Response to Arguments***

2. Applicant's arguments against the rejections based on 35 U.S.C. 102 with respect to Claims 10-18 have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAEHO D. SONG whose telephone number is (571)272-7524. The examiner can normally be reached on Mon-Fri 7:30-5:00pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 5712724137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daeho D Song/  
Examiner, Art Unit 2176

/DOUG HUTTON/  
Supervisory Patent Examiner, Art Unit 2176